

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

*In Re: Platinum And Palladium
Commodities Litigation*

Master File No. No. 10 Civ. 3617 (WHP)

This Document Relates To:

Platinum/Palladium Physical Action

**Physical Plaintiffs' Status Report Update Concerning Progress Of
Executing The Program Of Notice In The Moore Capital Settlement**

Counsel for the Physical Class hereby provides the Court with one addendum to the October 1, 2014 Status Report (ECF No. 222) concerning the progress of the notice program pursuant to July 15, 2014 Order Preliminarily Approving the Proposed Physical Class Settlement with the Moore Capital Defendants and Defendant Joseph Welsh. (ECF No. 213.) All components of the proposed program of notice approved by the Court on July 15, 2014 have been implemented, with one exception due to a single publication error and subsequent change in the publication schedule of *Futures & Options World* magazine. This single publication error was remedied by running additional advertisements to reach readers and subscribers.

On July 15, 2014 the Court ordered the publication notice to be published for two consecutive months in *Futures & Options World* magazine and for one month on the *Futures & Options World* website along with numerous other publications. The Settlement Administrator issued three insertion orders for *Futures & Options World* magazine to place the notice in the August/September 2014 issue, and the October/November 2014 issue, and to run on the website for the month of August 2014. The Settlement Administrator verified the notice ran in the August/September 2014 issue of the magazine, and verified banner ads directing users to the notice were on the targeted website.

Upon receiving the invoice and a copy of the October/November 2014 issue of *Futures & Options World* magazine, the Settlement Administrator verified the

purchased notice was not included. The Settlement Administrator promptly contacted the publisher and was informed the magazine erroneously did not include the purchased notice advertisement. Further, *Futures & Options World* magazine is converting to a quarterly publication, hence the earliest a replacement ad could be run was March 2015.

As an alternative, the notice was published for one month in *Futures & Options World's* weekly e-newsletter distributed to approximately 6,000 recipients. In addition, one additional month of *Futures & Options World* banner ads were available on its website, advising Class Members of the Settlement and directing Class Members to the settlement website and all Settlement-related documents.

All other publications have been published as ordered, and the Settlement Administrator has verified each and every publication has occurred as ordered. Accordingly, the Court-mandated notice components have been fully executed, along with additional follow-up efforts to ensure as many putative class members are notified of the settlement, with the exception of the single publication error and concurrent change in publication schedule by *Futures & Options World* magazine, for which alternative methods of distribution were immediately implemented by the Settlement Administrator. Physical Plaintiffs believe the notice program has been robust, extensive, and has been the best notice practicable under the circumstances.

Dated: January 7, 2015

San Diego, California

Respectfully submitted,

/s/ John A. Lowther

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